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MH-5073  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Vetro et al.

Serial No.: 09/854,020

Filed: May 11, 2001

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: Group Art Unit: 2613

:

: Examiner: N. Diep

RECEIVED  
MAY 27 2005  
OFFICE OF PETITIONS

For: VIDEO TRANSCODER WITH DRIFT COMPENSATION

**PETITION UNDER 37 CFR 1.137(b) TO REVIVE APPLICATION  
FOR PATENT ABANDONED UNINTENTIONALLY  
AND TO PAY ISSUE FEE**

**Mail Stop: Petitions**  
Commissioner for Patents  
Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this paper or fee is being  
deposited with the U.S. Postal Service as First  
Class Mail addressed to the Commissioner for  
Patents, Box 1450, Alexandria, VA 22313-1450

on May 24, 2005

[Signature]  
Signature: Andrew J. Curtin

Sir:

Please consider the following petition.

09/27/2005 SLUANG1 00000009 500749 09854020  
01 FC:1453 1500.00 DA

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OIPE/IAP

SEP 27 2005

**Remarks**

This Petition is to request (i) that above reference application, which was unintentionally abandoned on December 29, 2003 due to the failure to timely pay the Issue Fee for a Notice of Allowance dated September 29, 2003 and having a response time up to and including December 29, 2003, be revived; (ii) that the petition fee set forth under 37 CFR 1.17(m) submitted herewith be accepted; (iii) that the amendment after allowance mailed on October 22, 2003 be considered (copy enclosed), and (iv) that the payment of the Issue Fee due from the Notice of Allowance set forth under 37 CFR 1.18(a) submitted herewith be entered.

- 1.) The present application was filed on May 11, 2001.
- 2.) A Notice of Allowance was mailed on September 29, 2003.
- 3.) On October 22, 2003, the Applicants' representative Andrew J. Curtin, Reg. # 48,485, mailed a petition to withdraw from Issue to consider an amendment after allowance.
- 4.) On May 27, 2004, the Office mailed a decision on the petition dismissing the petition for failure to timely pay the issue fee.
- 5.) Applicants' representative erroneously believed that a paper titled "Notice of Abandonment" would be mailed by the Office and awaited that paper.

- 5.) The entire delay in filing a response to the Notice of Allowance dated August 13, 2002, until the filing of this Petition under 37 CFR 1.137(b) was unintentional. This petition is filed within one year of the mailing date of the decision on the Petition to Withdraw from Allowance mailed on May 27, 2004.
- 6.) Because the application was filed after June 8, 1995, no terminal disclaimer or disclaimer fee is required.
- 7.) The Assistant Commissioner for Patents is hereby authorized to charge Account No. 50-0749 for the Petition Fee under 37 CFR 1.17(m) in the amount of \$1,500.00.
- 8.) The Assistant Commissioner for Patents is hereby authorized to charge Account No. 50-0749 for the Issue Fee under 37 CFR 1.18(a) in the amount of \$1,400.00 and the publication fee in the amount of \$300.00.
- 9.) The Issue Fee Transmittal, a copy of the amendment after allowance, and a copy of the Decision on Petition, mailed on May 27, 2004 are submitted herewith.

In view of the foregoing, it is respectfully submitted that the delay was unintentional under 37 CFR 1.137(b). Accordingly, it is respectfully requested that (i) the payment of the Issue Fee submitted herewith, be entered, (ii) the active status of the above referenced application be acknowledged, and (iii) the amendment after allowance be considered.

It is respectfully requested that the undersigned be contacted by telephone at the below listed telephone number, in order to expedite resolution of any remaining issues, if any further comments, questions or suggestions arise in connection with the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including petition and extension of time fees, to Deposit Account 50-0749 and please credit any excess fees to such deposit account.

Respectfully submitted,

MITSUBISHI ELECTRIC  
RESEARCH LABORATORIES, INC.



Andrew J. Curtin  
Registration No. 48,485

201 Broadway, 8<sup>th</sup> Floor  
Telephone (617)-621-7573  
Facsimile (617)-621-7550  
DATE: May 24, 2005



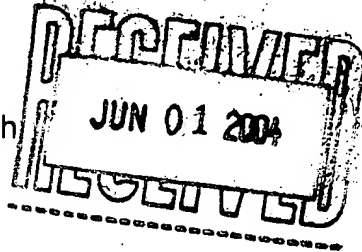
UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
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Paper No. 7



Patent Department  
Mitsubishi Electric Research  
Laboratories, Inc.  
201 Broadway  
Cambridge, MA 02139



COPY MAILED

MAY 27 2004

OFFICE OF PETITIONS

In re Application of  
Anthony Vetro, et al.  
Application No. 09/854,020  
Filed: May 11, 2001  
Attorney Docket No. MH-5073

ON PETITION

This is a decision on the petition, filed October 27, 2003, requesting withdrawal of the above-identified application from issue to permit consideration of an amendment after allowance. The petition was recently referred to the Office of Petitions for a decision thereon.

A Notice of Allowance and Issue Fee Due was mailed on September 29, 2003. On October 27, 2003, the present petition to withdraw from issue was filed. The mere filing of a petition does not stay the period for paying the issue fee. The statute is clear that failure to timely pay the issue fee within three months of the mailing date of the Notice of Allowance and Issue Fee Due will result in abandonment of the application. In fact, MPEP Section 1308 warns that "[u]nless applicant receives a written communication from the Office that the application has been withdrawn from issue, the issue fee must be timely submitted to avoid abandonment." The due date for paying the issue fee was December 29, 2003. Therefore, this application became abandoned by operation of law for failure to timely pay the issue fee on or before December 29, 2003.

The petition is dismissed.

Public Law 97-247, which revised patent and trademark fees, provides for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of an issue fee was "unintentional." See 37 CFR 1.137(b) in effect as of December 1, 1997. *Note Changes to Patent Practice and Procedure; Final Rule Notice*, 62 Fed. Reg. 53131 (October 10, 1997), 1203 Off. Gaz. Patent Office 63 (October 21, 1997). An "unintentional" petition must be accompanied by the \$1,330 petition fee.

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing

of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Additionally, the petition to revive must be accompanied by the fees required in the Notice of Allowance and Issue Fee Due. However, applicant is reminded that since the issue fee was increased to \$1330 effective October 1, 2003, the issue fee must be paid in the revised amount.

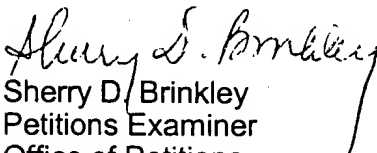
Further correspondence with respect to this matter should be addressed as follows:

By mail:                      Mail Stop PETITION  
                                    Commissioner for Patents  
                                    Post Office Box 1450  
                                    Alexandria, VA 22313-1450

By hand:                     Customer Window  
                                    2011 South Clark Place  
                                    Crystal Plaza Two, Lobby  
                                    Room 1B03  
                                    Arlington, VA 22202

The centralized facsimile number is (703) 872-9306.

Telephone inquiries concerning this decision may be directed to the undersigned at (703) 305-9220.

  
Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy



MH-5073  
Vetro, et al.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Vetro, et al.  
Serial No.: 09/854,020  
Filed: May 11, 2001

Group Art Unit: 2613  
Examiner: N. Diep

Title: VIDEO TRANSCODER WITH DRIFT COMPENSATION

Honorable Assistant Commissioner  
For Patents  
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service as FIRST CLASS MAIL in an envelope addressed to: Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

Date of mailing: 10/22/2003

Signature  
Andrew J. Curtin

Amendment After Allowance

Sir:

This Amendment After Allowance is in response to a Notice of Allowance dated September 29, 2003.

## Specification

Please amend the Specification at page 9, paragraph starting at line 8.

## SUMMARY OF THE INVENTION

A method compensates for drift in macroblocks of a partially decoded input bitstream. The macroblocks include intra-mode and inter-mode macroblocks, and each macroblock includes DCT coefficients, and at least one motion vector. An estimate of drift is measured in the partially decoded input bitstream. The estimated drift is translated into an intra refresh rate. The modes of inter-mode macroblock are mapped to ~~inter-mode~~ intra-mode macroblock according to the refresh rate. The DCT coefficients and the motion vector for each changed macroblock are modified in accordance with the mapping for each changed macroblock.



## Abstract

Please amend the Abstract as follows:

### ABSTRACT OF THE DISCLOSURE

A method compensates for drift in macroblocks of a partially decoded input bitstream. The macroblocks include intra-mode and inter-mode macroblocks, and each macroblock includes DCT coefficients, and at least one motion vector. An estimate of drift is measured in the partially decoded input bitstream. The estimated drift is translated into an intra refresh rate. The modes of inter-mode macroblock are mapped to ~~inter-mode~~ intra-mode macroblock according to the refresh rate. The DCT coefficients and the motion vector for each changed macroblock are modified in accordance with the mapping for each changed macroblock.

## Claims

Please amend the claims as follows:

1. (currently amended) A method for compensating for drift in macroblocks of a partially decoded input bitstream, the macroblocks including intra-mode and inter-mode macroblocks, and each macroblock including DCT coefficients, and a motion vector, comprising:

- measuring an estimate of drift in the partially decoded input bitstream;
- translating the estimated of drift into an intra refresh rate;
- mapping the modes of inter-mode macroblock to ~~inter-mode~~ intra-mode macroblock according to the refresh rate; and
- modifying the DCT coefficients and the motion vector for each changed macroblock in accordance with the mapping for each changed macroblock to compensate for drift.

2. (original) The method of claim 1 further comprising:

- generating a difference signal from the DCT coefficients before and after quantizing; and
- measuring an energy of a difference signal to determine the estimate of the drift.

3. (original) The method of claim 1 further comprising:

- generating a full-resolution drift compensating signal for each down-sampled macroblock; and

measuring an energy of the full-resolution drift compensation signal to determine the estimate of the drift.

4. (original) The method of claim 1 further comprising:

measuring an error in truncated motion vectors.

5. (original) The method of claim 1 further comprising:

generating a full-resolution drift compensating signal for each down-sampled macroblock;

measuring an energy of the full-resolution drift compensation signal to determine the estimate of the drift; and

measuring an error in truncated motion vectors.

6. (original) The method of claim 1 further comprising:

translating according to a predetermined threshold.

7. (original) The method of claim 1 where in the translating is proportional to the estimate of drift.

8. (original) The method of claim 1 where in the translating depends on rate-distortion characteristics of the macroblocks.

9. (currently amended) An apparatus method for compensating for drift in macroblocks of a partially decoded input bitstream, the macroblocks including intra-mode and inter-mode macroblocks, and each macroblock

including DCT coefficients, and a motion vector, comprising:

- means for measuring an estimate of drift in the partially decoded input bitstream;

- means for translating the estimated of drift into an intra refresh rate;

- means for mapping the modes of inter-mode macroblock to ~~inter-mode~~ intra-mode macroblock according to the refresh rate; and

- means for modifying the DCT coefficients and the motion vector for each changed macroblock in accordance with the mapping for each changed macroblock to compensate for drift.

## Remarks

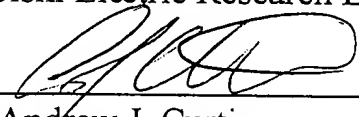
The amendments correct a clerical error in the Summary, Abstract, and independent claims 1 and 9.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed local telephone number, in order to expedite resolution of any remaining issues and further to expedite passage of the application to issue, if any further comments, questions or suggestions arise in connection with the application.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-0749 and please credit any excess fees to such deposit account.

Respectfully submitted,  
Mitsubishi Electric Research Laboratory Inc.

By:

  
\_\_\_\_\_  
Andrew J. Curtin  
Reg. No. 48,485  
Attorney for Assignee

Mitsubishi Electric Research Laboratories, Inc.  
201 Broadway, 8<sup>th</sup> Floor  
Cambridge MA, 02139  
(617) 621-7573

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Vetro, et al.  
Serial No.: 09/854,020  
Filed: May 11, 2001

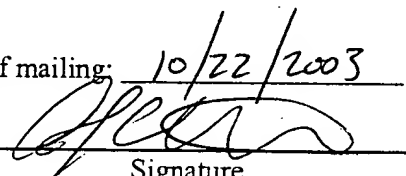
Group Art Unit: 2613  
Examiner: N. Diep

Title: VIDEO TRANSCODER WITH DRIFT COMPENSATION

Honorable Assistant Commissioner  
For Patents  
Alexandria, VA 22313-1450

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Alexandria, VA 22313-1450, on:

Date of mailing: 10/22/2003



Signature  
Andrew J. Curtin

Petition for Withdrawal from Issue

Sir:

This Petition for Withdrawal from Issue is in response to a Notice of  
Allowance dated September 29, 2003.

## Remarks

This Petition is to request that (i) the above referenced application, which was allowed on September 29, 2003, be withdrawn from issue; (ii) that the petition fee set forth under 37 CFR 1.117(h) submitted herewith be accepted, and (iii) that the Amendment After Allowance submitted herewith be entered.

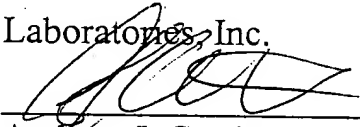
- 1.) The present application was filed on May 11, 2001.
- 2.) A Notice of Allowance and Issue Fee(s) Due was mailed on September 29, 2003.
- 3.) Upon review of the claims, the Applicants discovered a clerical error in each of the Abstract of the Disclosure, the Specification, and independent claims 1 and 9.
- 4.) The Applicants submit an Amendment After Allowance herewith for entry to correct the clerical errors.

In view of the foregoing, it is respectfully submitted that the Applicants have shown good and sufficient reasons for submitting the attached Amendment After Allowance in compliance with 37 CFR 1.312. It is respectfully requested that the Amendment After Allowance be entered. Please charge Deposit Account No. 50-0749 in the amount of \$130.00 for the petition fee pursuant to 37 CFR 1.17(h).

It is respectfully requested the undersigned be contacted by telephone at the below listed telephone number, in order to expedite resolution of any remaining issues and further to expedite passage of the application to issue,

if any further comments, questions or suggestions arise in connection with the application. To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-0749 and please credit any excess fees to such deposit account.

Respectfully submitted,  
Mitsubishi Electric Research  
Laboratories Inc.

  
\_\_\_\_\_  
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Registration No. 48,485

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